

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 930

90TH GENERAL ASSEMBLY

Reported from the Committee on Insurance and Housing, March 2, 2000, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

3981S.04C

AN ACT

To amend chapter 610, RSMo, by adding thereto one new section relating to hospital records.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 610, RSMo, is amended by adding thereto one new section, to be known as section 610.037, to read as follows:

610.037. 1. As used in this section, the following terms shall mean:

- (1) "Health carrier", as defined in section 376.1350, RSMo;**
- (2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;**
- (3) "Public hospital", a hospital organized pursuant to section 81.190, RSMo, section 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo;**
- (4) "Public record", as defined in subdivision (6) of section 610.010;**
- (5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with said hospital;**
- (6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974.**

2. Other provisions of this chapter, notwithstanding, the governing body of a public hospital or a related organization of said hospital, or both, may close portions of records and meetings of the entity that it manages or controls if those portions of records and meetings pertain to:

(1) The payment amounts and payment methodologies of its contract proposals to and contracts with a health carrier or a self-insured health plan. Information about the parties involved and the duration of such a contract shall be a public record;

(2) Discussion and analysis of proposed strategic plans to:

(a) Develop a new health service or new facility;

(b) Expand or revise an existing health service or facility; or

(c) Enter into a shared service arrangement or other affiliation agreement;

(3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with the physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or a related organization's overall financial statements and such shall be a public record.

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by the remaining provisions of this chapter. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to this chapter, pursuant to section 610.021.

4. Every contract entered into by the governing body of a public hospital shall become a public record following the termination or completion of such contract, and shall be subject to disclosure pursuant to section 610.023.